

REMARKS

I. Objections to the Specification

The Examiner has objected to the specification pointing out the specification does not identify the parent application 10/280,921 and does not identify the above parent application as being abandoned.

However, Applicant respectfully submits that the objection should be withdrawn. The specification is not required to identify a parent application when the application data sheet (ADS) contains such identification, which is the case in the present application. See MPEP §201.11, III, D as quoted as follows:

D. Reference Must Be Included in the Specification *or* an Application Data Sheet (ADS)

The reference required by 37 CFR 1.78(a)(2) or (a)(5) must be included in an ADS *or* the specification must contain or be amended to contain such reference in the first sentence(s) following the title. MPEP §201.11, III, D (emphasis added.).

In addition, the specification or ADS is not required to identify a parent application as being abandoned. Moreover, the specification or ADS of the present application could not identify the parent application as being abandoned because it was not abandoned at the time when the present application was filed.

The Examiner has also pointed out that it appears that Applicant has filed two 371 applications. Applicant originally filed a 371 application on April 22, 2005. However, because of supplemental fees problem, the last day of the U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements had been received in the office was determined by the United States Patent and Trademark Office as being December 16, 2005.

II. Allowable Subject Matter

The Examiner has concluded that Claims 5, 8, 12-13 would be allowable if rewritten in independent form including all of the limitations of the basis claim and any intervening claims.

III. Rejections under 35 U.S.C. § 102

The Examiner has rejected Claims 1-4, 6-7, 9-11, 14-15 under 35 U.S.C. §102(b) as being anticipated by Schuster (US 5,397,164). Applicant respectfully traverse the rejections of these claims under 35 U.S.C. §102(b).

Schuster cannot anticipate Claim 1 because Schuster fails to disclose each and every element of Claim 1 of the present invention. Specifically, Schuster does not disclose the claimed configuration that a Bowden cable has “a first wire portion and a second wire portion,” “the first wire portion being connected between the Bowden cable actuator and the transmission amplifier assembly and the second wire portion being connected between the transmission amplifier assembly and the adjustable lumbar support member.”

In the Office Action, the Examiner has specifically referred to Figs. 1-3 of Schuster. Schuster Figs. 1 and 3 on one hand and Schuster Fig. 2 on the other hand disclose different embodiments. In the embodiment shown in Schuster Figs. 1 and 3, no Bowden cable is present at all. Neither is transmission amplifier assembly. When the hand wheel (actuator) is turned, it pulls traction elements (2, 2') together causing the arching mechanism to bulge. Not to mention separate first and second wire portions of Bowden cable, indeed no “Bowden cable” at all is incorporated in this embodiment. Moreover, the hand wheel referred to by the Examiner cannot

constitute a transmission amplifier assembly or a rotary member thereof. The hand wheel only constitutes an actuator which initiates the movement of an arching mechanism. Because the embodiment shown in Schuster Figs. 1 and 3 does not incorporate any Bowden cable, operating principles of the Schuster embodiment and the present invention are fundamentally and completely different from each other.

In addition, Schuster Fig. 2 only shows a conventional lumbar support with a single wire Bowden cable. One end of the Bowden cable is connected to the actuator (hand wheel) and the other end is connected to the arching mechanism. Nowhere does Schuster disclose separate first and second wire portions of Bowden cable as claimed. Furthermore, Schuster also fails to disclose a transmission amplifier assembly located between first and second wire portion as claimed. The hand wheel referred to by the Examiner is a fundamentally different element from a transmission amplifier assembly (or a rotary member of the transmission amplifier assembly), because the hand wheel constitutes a Bowden cable actuator, which is a separate element defined in Claim 1. In other words, the hand wheel functions to actuate the Bowden cable wire. Claim 1 clearly recites that “movement of the first wire portion imparts rotation of the rotary member and thereby movement of the second wire portion.” In Schuster, no movement of any wire portion of the Bowden cable imparts rotation of the hand wheel as claimed. Instead and to the contrary, a turning of the hand wheel only actuates the movement of the single wire of the Bowden cable.

Because Schuster discloses neither a Bowden cable having separate first and second wire portions, nor a transmission amplifier assembly located between the two wire portions as claimed, Claim 1 cannot be anticipated or rendered obvious by Schuster.

As a separate and independent reason, Schuster fails to disclose a configuration that a transmission amplifier assembly converts a movement of a first wire portion of the Bowden cable into a movement of a second wire portion of the Bowden cable by a “predetermined transmission ratio” such that “the movement of the second wire portion being facilitated compared to the movement of the first wire portion” as claimed. Indeed, no amplification is suggested in Schuster. Accordingly, Schuster cannot anticipate or render obvious Claim 1.

Claims 2-4, 6-7, 9-11, 14-15 depend from Claim 1 and thus incorporate all limitations thereof. Accordingly, for at least the same reasons discussed above, Schuster cannot anticipate or render obvious those claims either.

IV. Rejections under 35 U.S.C. § 103

The Examiner has rejected Claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Schuster. However, it is respectfully submitted that Schuster cannot render Claim 16 obvious because Schuster fails to disclose, teach, or suggest, each and every element of Claim 16 of the present invention. As discussed above in connection with Claim 1, Schuster does not disclose, teach, or suggest, a Bowden cable having “a first wire portion and a second wire portion” as claimed. Neither does Schuster disclose, teach, or suggest, a configuration that “the motion of the first wire portion into motion of a second motion in accordance with a predetermined transmission ratio” “such that the motion of the second wire portion being facilitated compared to the motion of the first wire portion” as claimed. Therefore, Schuster cannot render obvious Claim 16 or Claim 17 depending therefrom.

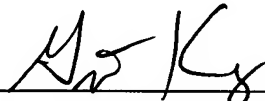
V. Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



By: Grant D. Kang, Reg. No. 37,651
Kang Intellectual Property Law, LLC
214 Elm Street, Suite 106
Washington, MO 63090
636-390-8103
636-390-8104 FAX